

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15744 of the Tudor Place Foundation, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 217 to continue to operate a museum by a nonprofit organization in an R-1-B District at premises 1605 32nd Street, N.W. (a.k.a. 1644 31st Street, N.W.) (Square 1281, Lot 830).

HEARING DATE: October 28, 1992

DECISION DATE: December 2, 1992

ORDER

SUMMARY OF EVIDENCE:

1. The subject property is located at 1644 31st Street, N.W. It is bounded by 31st, 32nd and Q Streets N.W. and it is zoned R-1-B.

2. The subject property consists of approximately 5½ acres, making up the majority of Square 1281. The property is owned by the Tudor Place Foundation, Inc. and it is known as "Tudor Place".

3. Tudor Place consists of the main residence, several accessory buildings and an extensive garden. The house contains a large and varied collection of art and artifacts spanning over 180 years.

4. By its order dated April 22, 1988, the Board granted a special exception for the applicant to use the property for the purposes of the nonprofit organization. This use includes giving tours of the buildings and grounds, hosting events to raise funds for the Tudor Place Foundation and allowing other organizations to host events at the site. The applicant requests approval to continue to use the site for these purposes.

5. A representative of Tudor Place testified that the application meets the requirements of 11 DCMR 217 governing such uses. Section 217 provides as follows:

217 NON-PROFIT ORGANIZATIONS (R-1)

which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted in an R-1 district in the following instances if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of chapter 31 of this title, subject to the provisions of this section:

- (a) If the building is listed in the District's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to Section 101(a) of Public Law 89-665, Oct. 15, 1966 (16 USC Sections 470a-470m), or if the building is located within a district, site, area, or place listed on the District's Inventory of Historic Sites; and
- 217.2 Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighborhood properties.
- 217.3 The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.
- 217.4 No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.
- 217.5 Any addition to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board. The Board shall refer any proposed additions or modifications to the State Historic Preservation Officer, who, acting with the advice of the D.C. Professional Review Committee for nominations to the National Register of Historic Places, shall provide the Board with a report to determine possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

6. The applicant stated that Tudor Place consists of the main residence, several accessory buildings, and an extensive garden. The entire site, including the building and grounds, is a national historic landmark, listed on both the National Register of Historic Places and the District of Columbia Inventory of Historic Sites. The main house was completed in 1816 and contains 10,501.68 square feet of gross floor area.

7. The applicant stated that the Foundation obtained Certificate of Occupancy No. B155049 on September 2, 1988 to use the property in accordance with the terms of the Board's approval. This certificate of occupancy expired on May 2, 1992. The applicant stated that it has operated in compliance with the conditions in the Board's order. These conditions are as follows:

1. Approval shall be for a period of FIVE YEARS.
2. The hours of operation shall be between 9:00 a.m. and 4:30 p.m., Monday through Saturday, and between 12 noon and 4:30 p.m. on Sunday.
3. Admission shall be by appointment only.
4. The number of regularly scheduled tours shall not exceed seven per day.
5. Nonprofit tours shall be limited to a maximum of 15 persons.
6. Buses bringing group tours to the site shall park in legal bus parking areas within the District of Columbia, such as those along K Street. There shall be no bus parking on the subject site.
7. Fund raising activities shall be in keeping with the historical integrity of the premises and shall comport with the charitable and educational purposes of the foundation.
8. The applicant stated that the operations of the Foundation are managed by a full-time staff of ten. Supplementing the permanent full-time employees, there is a staff of volunteer docents who conduct tours of the house.
9. To protect the character of the property and its surroundings and to ensure that tours are of the highest quality, the Board of Trustees of the Foundation has opened the estate (both house and grounds) to visitors on a controlled basis. There are two distinct types of tours conducted at Tudor Place: (A) regular visits of individuals and (B) group visits, where special arrangements have been made for groups. Following the tour, visitors have an opportunity to visit the garden.
10. The Foundation has proposed the following modifications to the conditions as imposed by this Board in Order No. 14729:
 - a. **Condition No. 1 - Approval for 5 years.**
The applicant stated that it now requests permanent approval of the use because it has operated in full accord with the conditions in the Board's previous order and with the support of the community.

b. Condition No. 3 - Admission by appointment only.

The applicant proposes to modify this condition by limiting the requirement of appointments to group tours. The applicant stated that it would like to establish specific times for tours to be given for individuals who visit the site. The applicant stated that requiring individuals to make an appointment serves to discourage or prohibit individuals who might otherwise wish to visit the property. The applicant believes that modifying this condition will enhance its visitation by individuals.

c. Condition No. 4 - Number of tours shall not exceed seven per day.

The foundation would like to increase the maximum number of tours to ten per day. The applicant testified that ten tours can be handled daily.

d. Condition No. 5 - Non-group tours shall be limited to a maximum of 15 persons.

The foundation requests that the maximum number of persons allowed in a group tour be set at 20 persons. The foundation testified that through its experience over the past four years, non-group tours of 20 persons can be adequately accommodated on the property without adversely impacting the public.

11. The applicant stated that there will be no goods, chattel, wares or merchandise commercially created, exchanged or sold at Tudor Place, except for the sale of publications, materials or other items related to the purposes of the non-profit organization.

12. The applicant stated that there will be no additions or major modifications to the exterior of the building or site in conjunction with the application.

13. The applicant stated that parking spaces are provided on site for the ten regular employees and four tour guides. The applicant noted that because Tudor Place is listed on the District of Columbia's inventory of historic sites, no on-site parking spaces are required. The applicant maintains that while parking is not available on-site for visitors, there is adequate space on the street for the visitors to park.

With regard to regular tours the applicant stated that the number of available parking spaces, even at peak hours and on weekends, far exceeds the needs of anticipated visitors to Tudor Place. This is due, in part, to the fact that much of the frontage of 31st Street is bound by the grounds of Tudor Place, rather than numerous residential units.

With regard to group tours, visitors usually arrive by a bus carrying approximately 46 people. The buses are directed to park in the legal bus parking spaces nearby, such as the site bordering K Street in Georgetown and other appropriate areas.

14. A representative of Dumbarton Court Owners, Inc. testified about the impact of evening events on the parking conditions on the area. Dumbarton Court is a cooperative of 35 units and about 45 residents. It is located almost directly across the street from the main entrance to Tudor Place. Almost all of the units are owner-occupied.

The representative stated that the owners at Dumbarton Court do not have driveways or garages and therefore must rely on on-street parking for their vehicles. The owners are concerned that when Tudor Place hosts evening events, the parking spaces near and around the site are taken by those attending the event and nearby residents returning home at night must park on other streets away from their homes.

In a letter to Tudor Place dated October 23, 1992, the President of Dumbarton Court Owners, Inc. stated that the problems experienced at previous Tudor Place functions include virtual blockage of 31st Street due to traffic congestion, elimination of all on-street parking during events, the towing of residents' cars due to insufficient warning of "no parking" signs, noise disturbances involving valet parking attendants and traffic policemen shouting and cars honking horns, offensive altercations with limousine and taxi drivers illegally parking in front of Dumbarton Court, cars illegally parked in or in front of Dumbarton Court's fire lane, numerous taxis and limousines double parking thereby blocking access to residents' cars, noisy buses idling in front of Tudor Place's entrance for extended periods, etc.

At the public hearing, Dumbarton Court testified that one event in particular - the IMF function - was extremely disruptive and displayed some of the problems described.

Tudor Place testified that it received two letters of complaint from Dumbarton Court about problems associated with evening events of more than 350 people. In response to the concerns expressed, Tudor Place immediately implemented the following:

- (a) hired a traffic consultant;
- (b) commissioned off-duty police officers to control traffic at events over 100 people (one for every 100 persons); and
- (c) set up a transportation desk with radio transmitters to work with valet parking attendants and limousine drivers who are to park cars on the street.

The applicant testified that it has been working with Dumbarton Court to establish permanent guidelines for the number, size and handling of evening fundraising events. The Board directed the parties to continue their negotiations and to report any resolutions agreed upon prior to a decision on the matter.

By letter dated November 25, 1992, Dumbarton Court stated that two meetings were held between members of their board of directors and the president of Tudor Place. Based on these meetings, agreement was reached on the following:

- (1) The size of large evening functions will never involve more than 500 guests at any one event; large events between around 350 and 500 guests will have an extended arrival time (e.g., a cocktail hour between 6:00 and 7:00).
- (2) During large evening functions, every effort will be made to reduce the traffic and noise pressures on 31st Street by applying at least the following measures:
 - a) the hiring of one or more policemen to direct traffic;
 - b) the parking of visitors' cars at an off-site parking lot through the use of valet parkers;
 - c) the specific policing of taxi and limousine drivers not to double park or block Dumbarton Court's entrance or driveway;
 - d) buses, vans, and limousines will be specifically instructed not to idle their vehicles longer than is necessary to allow passengers to embark or disembark;
 - e) the maximized use of Tudor Place's rear entrance on 32nd Street for at least the service functions.

Through these measures, the free flow of traffic will be maintained on 31st Street, so residents can at all times drive up to the front of Dumbarton Court.

- (3) Exhibits and house tours will only be hosted between 9:00 a.m. and 4:30 p.m. on weekdays, 10:00 a.m. and 5:00 p.m. on Saturday, and 12:00 p.m. and 5:00 p.m. on Sunday.

- (4) Buses and vans delivering visitors will be instructed to not idle their engines in front of the gate longer than 5 minutes or at the time needed for people to embark or disembark.
- (5) Dumbarton Court residents will be notified at least 5 days prior to any major event.
- (6) Tudor Place and Dumbarton Court will work through specified liaisons to discuss ways to improve planning and management issues.

Dumbarton Court stated that Tudor Place would not agree to other conditions discussed below.

- 1) No more than 12 large functions (of 200 to 500 guests) will be hosted in any one year and no more than three in any one month.

Dumbarton Court stated that Tudor Place wanted an unrestricted number of events but would agree to a maximum of 20. Dumbarton Court pointed out that each major event is quite disruptive especially given the number of activities in Georgetown.

- 2) Evening functions will end no later than 10:00 p.m. between Sunday and Thursday and 11:00 p.m. on Friday and Saturday.

Dumbarton Court noted that because many of its residents retire early, the co-op has a noise restriction policy after 9:30 p.m. Further, National Airport restricts flights after 10:00 p.m. Therefore, Tudor Place should likewise be restricted in how late it operates.

- 3) No more than 5 events in any year will involve parking restrictions along 31st Street. The no parking zone will be limited to no more than 8 car lengths above and below the Tudor Place entrance. "No Parking" signs will be posted at least 72 hours prior to the event.

Tudor Place wishes to have restricted parking at any of their major events and the freedom to restrict parking along their entire side of 31st Street between Q & R Streets. Given that all Dumbarton Court residents must rely on on-street parking, the limited parking availability in Georgetown, and the concerns many residents have about walking significant distances through the neighborhood at night, Dumbarton Court would like to limit Tudor Place's right to much of the parking space available on this stretch of 31st Street.

15. By memorandum dated October 21, 1992 and through testimony at the hearing, the Office of Planning (OP) recommended conditional approval of the application. Office of Planning noted that the applicant is proposing to continue to use the site as a museum. Office of Planning stated that currently Tudor Place is open to the public Tuesday through Saturday from 9:00 a.m. to 4:30 p.m. The facility is closed on Sundays. Office of Planning stated that ten full-time staff members are employed at the site. The staff includes a director, secretary, curators, gardeners, housekeepers and maintenance personnel. In addition, 25 volunteer docents conduct guided tours of the museum and its gardens. People also volunteer to work in the gardens. Two persons reside on the premises at all times.

Office of Planning noted that according to the applicant, approximately 5,000 to 6,000 people visit the site annually. The current number of visitors is modest and the museum can accommodate many more visitors.

Office of Planning stated that there are two entrances to the property. The 31st Street entrance is used by visitors and provides only pedestrian access. The 32nd Street entrance provides vehicular access to the site and is used by staff. In addition, the 32nd Street entrance serves as a service entrance (i.e., trash collection, deliveries, business visitors, etc.).

Office of Planning stated that individual visits and group tours are conducted at Tudor Place. Visitors enter the museum by announcing themselves through an intercom system from the 31st Street entrance. Public parking is not available at the site. Individual patrons park on the streets in the surrounding neighborhood. Groups of visitors arrive by buses which are directed to parking locations in the Georgetown neighborhood as shown in the brochure published by the D.C. Committee to Promote Washington available from the Mayor's Office of Tourism. Staff parking is available on the premises for approximately 20 automobiles.

Based on the applicant's statement, Office of Planning believes that the Zoning Regulations have been met. Office of Planning stated that the permanent use of the site as a museum would ensure that the history associated with Tudor Place is available for future generations. Based on the previous four years, it appears that no negative impacts would result from the permanent use of the site as a museum. In addition, based on the previous analysis, the requested zoning relief can be granted without being in disharmony with the Zoning Regulations and Map. Accordingly, the Office of Planning recommends approval of this application subject to the following conditions:

- 1) The hours and days of operation shall not extend beyond 9:00 a.m. to 4:30 p.m., Monday through Saturday, and from 12:00 p.m. to 4:00 p.m. on Sunday.
- 2) Admission shall be by appointment for group tours only.
- 3) The number of group tours shall not exceed 7 per day.
- 4) Non-group tours shall be limited to a maximum of 20 persons.
- 5) Buses bringing group tours to the site shall park in legal bus parking areas within the District of Columbia. There shall be no bus parking on the subject site.
- 6) Fund raising activities shall be in keeping with the historical integrity of the premises and shall comport with the charitable and educational purposes of the Foundation.

16. By memorandum dated October 7, 1992, the D.C. Fire Department stated that it has evaluated the zoning request to determine its impact on emergency operations. Based on this review the department stated that it has no objection to the application.

17. By memorandum dated October 20, 1992, the Department of Public Works (DPW) noted the proposed operation, the boundaries of the site, the availability of parking and the applicant's methods for handling parking. DPW stated that the applicant has been operating the premises as a non-profit organization (museum) for a number of years, and its operating conditions are not adversely affecting parking in the neighborhood. DPW believes that the proposed continued use will not have an adverse impact, therefore, the department has not objection to the applicant's request.

18. Advisory Neighborhood Commission (ANC) 2E submitted a report dated October 27, 1992, however no one from the ANC appeared at the hearing. The ANC report expressed support for the application with the following conditions:

1. Approval shall be for a period of 5 years
2. The hours of operation shall not exceed from 9 a.m. to 4:30 p.m. Monday through Saturday, and from 12 noon to 4:30 p.m. on Sunday.
3. Admission shall be open for individuals.

4. Admission shall be by appointment only for groups.
5. The number of regularly scheduled tours shall not exceed 7 per day.
6. Non-group tours shall be limited to a maximum of 20 persons.
7. Buses bringing in group tours to the site shall park in legal bus parking within the District of Columbia, such as those along K Street. There shall be no bus parking on the subject site.
8. Fund raising activities shall be in keeping with the historical integrity of the premises and shall comport with the charitable and educational purposes of the foundation.

Upon the request of ANC 2E, the Board waived the seven-day filing requirement to accept the report into the record. However, because the report failed to meet the provisions of 11 DCMR 3307, the opinion of ANC 2E was not accorded "great weight".

19. Several area residents appeared at the hearing to testify in support of the application. They testified that Tudor Place is an asset to their community and they would like for the use to continue if some limitations are placed on the number of large events held at the site.

FINDINGS OF FACT

Based on the evidence of record, the Board finds as follows:

1. Large evening events held at the site create problems for nearby residents in terms of the availability of parking, and other traffic/parking related conditions such as noise and fumes from buses and inconsiderate parking and driving habits of limousine and taxi drivers.
2. Because of the problems associated with large evening events, such events should be limited in number to minimize the impact on the community.
3. The measures taken by the applicant to reduce the impact of large events on the community have helped to address the community's concerns.
4. The period of approval should be limited to afford the Board an opportunity to review traffic and parking conditions at a later date.

5. Affected area residents are those who reside on 31st Street N.W.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to continue a nonprofit organization's use of the subject property in an R-1-B district. The granting of such a special exception requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that the proposed use will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of 11 DCMR 217.

The Board concludes that the applicant has met this burden of proof. The Board concludes that the site is listed in the District's Inventory of Historic Sites and the property consists of more than 10,000 square feet in gross floor area.

The Board is of the opinion that the use of the building and land as proposed will not adversely affect the use of neighboring property.

The Board concludes that there is an adequate amount of parking space provided for staff on the site. Further, the spaces are arranged and located so as to minimize the traffic impact on the adjacent neighborhood.

The Board notes that the applicant is not required to provide parking for visitors, however the applicant has established guidelines for handling visitor parking in such a way as to minimize the impact on the use of neighboring properties.

The Board concludes that the applicant will not create, exchange, or sell items other than those related to the purposes of the nonprofit organization. The Board concludes that no additions or major modifications are proposed for the exterior of the building or for the site.

Finally, the Board concludes that granting the application will be in harmony with the zone plan and will not tend to affect adversely the use of neighboring property.

In light of the foregoing, the Board concludes that the applications is hereby **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE YEARS**.

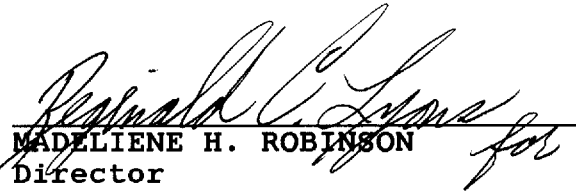
2. Admission for group tours shall be by appointment only.
3. The hours of operation for tours shall be between 9:00 a.m. and 4:30 p.m., Monday through Saturday, and between 12 noon and 4:30 p.m. on Sunday.
4. The number of regularly scheduled tours shall not exceed ten per day.
5. Non-group tours shall be limited to a maximum of 20 persons.
6. Buses bringing group tours to the site shall park in legal bus parking areas within the District of Columbia, such as those along K Street. There shall be no bus parking on the subject site.
7. Large evening functions at the subject site shall be limited to a maximum of 500 guests at any one event. Any large event involving in excess of 350 persons shall have an extended arrival time, such as "cocktail hour between 6:00 and 7:00 p.m." in order to avoid the traffic impacts associated with a large group of persons converging on the site at one time.
8. The number of large evening functions involving 200 to 500 guests at the site shall be limited to 15 per year. No more than three large functions shall be hosted at the site in any one month. All large evening functions shall end no later than 11:00 p.m.
9. During large evening functions, the applicant shall minimize traffic and noise impacts by employing the following measures:
 - a. hiring a minimum of one person to direct traffic;
 - b. parking visitors' cars at an off-site parking lot through the use of a valet parking system;
 - c. policing the area to ensure that vehicle are not double-parked and do not block any entrances or driveways;
 - d. Instructing the drivers of all buses and vans not to idle the engines of their vehicles longer than is necessary to allow passengers to embark or disembark; and
 - e. maximizing the use of the rear entrance to the site on 32nd Street, especially for service functions.

10. The applicant shall notify affected area residents of scheduled large evening functions by mailing a calendar of such events to affected residents on at least a quarterly basis.
11. The applicant shall designate a community liaison person who will be responsible for addressing any issues and concerns raised by neighbors with respect to the operation of the facility.

VOTE: 4-0 (Sheri M. Pruitt, Paula L. Jewell, and Angel F. Clarens to grant; Tersh Boasburg to grant by proxy; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JUL 14 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15744

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 14 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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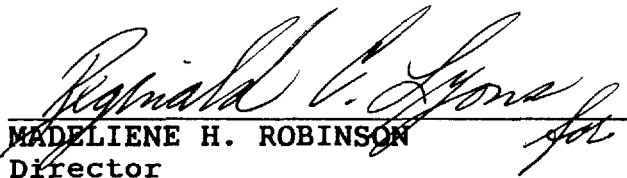
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MADELIENE H. ROBINSON
Director

DATE: JUL 14 1994